

HOUSE BILL 186

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2001 Regular Session
1r1094

By: **Delegates Harrison and Rawlings**
Introduced and read first time: January 19, 2001
Assigned to: Appropriations

Committee Report: Favorable
House action: Adopted
Read second time: March 6, 2001

CHAPTER_____

1 AN ACT concerning

2 **Maryland African American Museum Corporation - Investments, Personnel,**
3 **and Meetings**

4 FOR the purpose of authorizing the Maryland African American Museum Corporation
5 to establish compensation, holidays, and leave for Corporation employees;
6 requiring the Corporation to invest certain Corporation moneys in certain
7 obligations and clarifying the scope of the moneys that are subject to investment
8 by the Corporation; including officers and employees of the Corporation in the
9 list of State personnel who are immune from liability under the Maryland Tort
10 Claims Act; expanding the list of statutory provisions from which the
11 Corporation is exempt; and generally relating to the Maryland African American
12 Museum Corporation.

13 BY repealing and reenacting, with amendments,
14 Article 41 - Governor - Executive and Administrative Departments
15 Section 20-103, 20-109, and 20-111
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - State Government
20 Section 12-101(a)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2000 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

Article 41 - Governor - Executive and Administrative Departments

20-103.

(a) (1) The Board of Directors shall appoint an Executive Director who shall serve at the pleasure of the Board.

(2) The salary of the Executive Director shall be determined by the Board.

(b) (1) The Executive Director shall be the chief administrative officer for the Corporation and as such shall direct and supervise the administrative affairs and technical activities of the Corporation in accordance with policies and procedures established by the Board of Directors.

(2) The Executive Director or the Executive Director's designee shall:

(i) Attend all meetings of the Board of Directors, act as Secretary to the Board, and keep minutes of all its proceedings;

(ii) Approve all accounts for salaries, per diem payments, and allowable expenses of the Corporation or of any of its employees or consultants, and any expenses incidental to the operation of the Corporation; and

(iii) Perform any other duties as directed by the Board of Directors in carrying out the purposes of this subtitle.

(c) The Board of Directors shall appoint any additional professional and clerical staff necessary to carry out the purposes of this subtitle AND SHALL ESTABLISH COMPENSATION, HOLIDAYS, AND LEAVE FOR THE STAFF. The officers or employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(d) The Attorney General shall provide legal counsel to the Corporation and legal services to the museum.

(e) The Board of Directors may engage any necessary accountants, architects, construction experts and personnel, engineers, lawyers, financial advisors, or other consultants or agents.

20-109.

(a) (1) The Corporation may provide for the creation, continuation, and administration of any funds it may require.

(2) Moneys in these funds and other moneys of the Corporation shall be deposited, as directed by the Board of Directors, in any federal or State chartered depository institution:

1 (i) The deposits of which are insured by the Federal Deposit
2 Insurance Corporation;

3 (ii) Having a branch or office in the State that accepts deposits; and

4 (iii) Having a total paid-in capital plus surplus of at least
5 \$6,000,000.

6 (3) A federal or State chartered trust company may be designated as a
7 depository to receive any securities acquired or owned by the Corporation.

8 (b) Any STATE-APPROPRIATED moneys of the Corporation [may] AND
9 MONEYS THE CORPORATION IS REQUIRED BY THE GENERAL ASSEMBLY TO RAISE
10 FOR MUSEUM CONSTRUCTION FROM SOURCES OTHER THAN THE STATE SHALL be
11 invested in bonds or other obligations of, or guaranteed as to principal and interest by,
12 the United States or the State or the State's political subdivisions or units.

13 (c) (1) The Corporation shall make provision for a system of financial
14 accounting, controls, audits, and reports.

15 (2) The fiscal year of the Corporation shall be July 1 to June 30.

16 (d) (1) As soon as practicable after the closing of the fiscal year, an audit
17 shall be made of the financial books, records, and accounts of the Corporation.

18 (2) The audit shall be made by independent certified public accountants
19 selected by the Corporation.

20 (3) The accountants shall be licensed to practice in the State and shall be
21 experienced and qualified in the accounting and auditing of public bodies.

22 (4) The accountants may not have a personal interest either directly or
23 indirectly in the fiscal affairs of the Corporation.

24 (5) The accountants shall report the results of their examination,
25 including their unqualified opinion on the presentation of the financial position of the
26 various funds and the results of the Corporation's financial operations.

27 (6) If the accountants are unable to express an unqualified opinion, they
28 shall state and explain in detail the reasons for their qualifications, disclaimer, or
29 opinion, including recommendations necessary to make possible future unqualified
30 opinions.

31 (e) The books, records, and accounts of the Corporation are subject to audit by
32 the State.

33 (f) Within the first 90 days of each fiscal year, the Corporation shall make a
34 report to the Governor and, subject to § 2-1246 of the State Government Article, to
35 the General Assembly.

1 (g) Each report submitted in accordance with subsection (f) of this section
2 shall:

3 (1) Set forth a complete operating and financial statement covering its
4 operations during the preceding fiscal year; and

5 (2) Summarize the Corporation's activities during the preceding fiscal
6 year.

7 20-111.

8 (a) Except as otherwise provided in this section, the Corporation is exempt
9 from the provisions of:

10 (1) ARTICLE 41, § 1-205 OF THE CODE;

11 (2) Title 10, Subtitle 5 of the State Government Article;

12 [(2)] (3) Title 2, Subtitles 2, 4, and 6 AND § 2-510 of the State Finance
13 and Procurement Article;

14 [(3)] (4) Title 3[, § 2-510] of the State Finance and Procurement Article;

15 [(4)] (5) Title 4, Subtitles 2 through 7 of the State Finance and
16 Procurement Article;

17 [(5)] (6) Title 6, Subtitle 1 of the State Finance and Procurement Article;

18 [(6)] (7) Title 7, Subtitles 1 through 3 of the State Finance and
19 Procurement Article;

20 [(7)] (8) Title 8, Subtitle 1 of the State Finance and Procurement Article;
21 and

22 [(8)] (9) Division II of the State Finance and Procurement Article.

23 (b) The Corporation may carry out its corporate purposes without obtaining
24 the consent of any department, board, or agency of the State.

25 (c) The Corporation and its officers and employees are subject to the Public
26 Ethics Law and the State minority business enterprise laws, except as otherwise
27 provided in this subtitle.

28 (d) The Corporation is subject to State and local regulatory requirements to
29 which a private corporation would be subject, and the projects of the Corporation are
30 subject to zoning and subdivision regulations of the jurisdictions in which projects are
31 located.

Article - State Government

12-101.

(a) In this subtitle, unless the context clearly requires otherwise, "State personnel" means:

(1) a State employee or official who is paid in whole or in part by the Central Payroll Bureau in the Office of the Comptroller of the Treasury;

(2) an employee or official of the:

(i) Maryland Transportation Authority;

(ii) Injured Workers' Insurance Fund;

(iii) Maryland Stadium Authority;

(iv) Maryland Environmental Service;

(v) overseas programs of the University College of the University System of Maryland;

(vi) Maryland Economic Development Corporation; [and]

(vii) Maryland Technology Development Corporation; AND

(VIII) MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.

(3) a person who:

(i) is a member of a State board, commission, or similar State entity; or

(ii) 1. is providing a service to or for the State;

2. is not paid in whole or in part by the State; and

3. satisfies all other requirements for designation as State personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10 of this article;

(4) an individual who, without compensation, exercises a part of the sovereignty of the State;

(5) a student enrolled in a State educational institution:

(i) who is providing services to third parties in the course of participation in an approved clinical training or academic program;

1 (ii) who, as determined by the Treasurer, is required to have
2 liability insurance covering claims arising from services to third parties performed by
3 the student in the course of the approved clinical training or academic program;

4 (iii) who, as determined by the Treasurer, cannot obtain commercial
5 liability insurance at an affordable cost; and

6 (iv) who, as determined by the Treasurer, may be required to
7 contribute to an insurance program for claims arising from services to third parties
8 performed by the student in the course of the approved clinical training or academic
9 program;

10 (6) a sheriff or deputy sheriff of a county or Baltimore City;

11 (7) an employee of a county who is assigned to a local department of
12 social services, including a Montgomery County employee who carries out State
13 programs administered under Article 88A, § 13A(b) of the Code;

14 (8) a State's Attorney of a county or Baltimore City, or an employee of an
15 office of a State's Attorney;

16 (9) a member of a board of license commissioners of a county or
17 Baltimore City appointed under the provisions of Article 2B of the Code, or an
18 employee of a board of license commissioners;

19 (10) a member of a board of supervisors of elections of a county or
20 Baltimore City, or an employee of a board of supervisors of elections;

21 (11) a judge of a circuit court of a county or Baltimore City, or an employee
22 of a circuit court;

23 (12) a judge of an orphans' court of a county or Baltimore City, or an
24 employee of an orphans' court;

25 (13) to the extent of a nonprofit organization's activities as a third party
26 payee, and to the extent the nonprofit organization has no other insurance for this
27 purpose, a nonprofit organization that has been approved by the Department of
28 Human Resources or its designee to serve as a third party payee for purposes of
29 providing temporary cash assistance, transitional assistance, or child-specific
30 benefits to Family Investment Program recipients; or

31 (14) a student, faculty, or staff member of an institution of higher
32 education who is providing a service under the Family Investment Program in
33 accordance with the provisions of Article 88A, § 47 or § 53 of the Code.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 July 1, 2001.

